



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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AUG 25 2011

Ref: 8EPR-N

Mr. Scott G. Fitzwilliams, Forest Supervisor
c/o Roger Poirier
White River National Forest
P.O. Box 948
Glenwood Springs, CO 81602

RE: EPA Comments on Draft Environmental
Impact Statement, Breckenridge Ski
Resort Peak 6 Project; CEQ #20110179

Dear Mr. Fitzwilliams:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4321, *et seq.*, and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609, the U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the June 2011 Draft Environmental Impact Statement (DEIS) for the Breckenridge Ski Resort (BSR) Peak 6 Project. This DEIS was prepared by the Dillon Ranger District of the U.S. Department of Agriculture Forest Service (USFS) White River National Forest to analyze potential environmental impacts associated with the proposed new lift, terrain, and guest facilities.

Project Description and Background

The BSR Peak 6 Project Area is located in the White River National Forest adjacent to the town of Breckenridge in Summit County, Colorado. The proposed project includes development to increase the comfortable carrying capacity (CCC) of the ski resort to slightly greater than 16,000 guests (25% of core season visitation already exceeds 16,000 daily skier visits) in an effort to better accommodate current daily visitation levels. In addition, a non-significant Forest Plan amendment is proposed to eliminate the applicability of a Canada lynx standard for this project.

A summary of the three alternatives analyzed in the DEIS follows.

- Alternative 1 (No Action) would be a continuation of existing management practices without changes, additions, or upgrades to existing conditions.
- Alternative 2 (Preferred Action) would include 550 acres of traditional downhill and hike-to skiing on Peak 6 to be accessed by a new lift. In addition, two new guest service facilities would be built. The ski resort's CCC would increase by 1,110 to accommodate 16,020 guests. This alternative would result in approximately 58 acres of tree removal and 28 acres of grading.
- Alternative 3 would include 326 acres of downhill and hike-to terrain on Peaks 6½, 7, 8, 9, and

10 – accessed by a new Peak 6 ½ lift and upgrades to three existing chairlifts. No new guest facilities are proposed. The CCC would increase by 1,490 to accommodate 16,410 guests. This alternative would result in 120 acres of full or partial tree removal and 41 acres of grading.

Key Issues Identified by EPA

In a March 18, 2008 letter, EPA provided scoping comments for this project. We appreciate that many of our comments were addressed in the DEIS. As a result, our concerns with the June 2011 DEIS have been narrowed to these remaining issues: (1) aquatic resources and (2) air quality. These concerns are the basis for EPA's "EC-2" rating discussed at the conclusion of this letter.

(1) Aquatic resources in the proposed project area should be fully disclosed and mitigated.

EPA considers protection of aquatic resources, including water quality, hydrology, wetlands, and riparian areas, to be among the most critical issues to be addressed in any NEPA analysis for projects in mountain areas where shorter growing seasons and low night time temperatures contribute to difficult mitigation of alpine impacts. Generally, the DEIS provides a thorough characterization of existing aquatic resources and baseline conditions in the proposed project area. We recommend expanding the analysis to include existing water quality data and additional mitigation measures, where possible.

Water Quality Data: In addition to the physical and biological data examined in the Stream Health evaluation, analysis of baseline water quality data is critical given the numerous streams in the project area, as well as downstream waters which are tributary to the Blue River and Dillon Reservoir. These tributaries are included on the State's list of Clean Water Act Section 303(d) impaired waterbodies. To provide a baseline for future monitoring of impacts and evaluating of potential influence on downstream water quality, we recommend the Final EIS (FEIS) provide a summary of available monitoring data on water quality for the project area. Critical parameters include heavy metals and nutrients. Cadmium and zinc, in particular, may be of concern in downstream waters. In addition, nutrients are of interest given that State control regulations are in place to control nutrient loading to Blue River and Dillon Reservoir. Identification of any significant gaps in data also would be a valuable addition to the Stream Health evaluation and may be helpful in developing the project monitoring plan. Finally, we recommend that mitigation or restoration activities be included to reduce existing sources of pollution and to offset or compensate for pollutants generated.

Wetlands: We appreciate the inclusion of Project Design Criteria (PDC) and Best Management Practices (BMPs) to protect sensitive soils, wetlands, riparian areas, meadows, stream crossings, and critical habitat. The DEIS notes that project design modifications were made to avoid wetlands; therefore, there are no permanent impacts and negligible temporary impacts to these areas. However, from EPA's site visit with you in July, it appears that adverse impacts to adjacent wetland hydrology are likely due to cut and fill slopes associated with the top terminal lift construction under Alternative 3. Accordingly, we recommend impacts to wetlands be more fully evaluated for Alternative 3 and disclosed in the FEIS to include permanent, indirect impacts to supporting wetlands hydrology resulting from construction activities.

We recommend expanding the PDCs and BMPs to ensure that wetlands are protected to the greatest extent possible. Such measures may include the following:

- Re-vegetate with removed shrubs and mats of herbaceous cover (carefully stockpiled on-site) and appropriate high altitude wetland seed species as soon as possible after the disturbance. Monitor for five years to ensure successful re-vegetation of any impacted montane wetland areas.
- Use bulkheads/box structures to minimize disturbance area from side casting and trench width.
- Use fabric or hay layers to protect existing vegetation from stockpiled dredged material and to mark existing contours.

It appears that the preferred alternative would include the connection of utilities to a mid-station guest services facility. We recommend that the FEIS disclose surface disturbance impacts related to installation of this system including:

- the location and amount of pipe proposed in wetlands (if applicable);
- width and depth of the necessary trenches;
- location on which the soil from the trench would be temporarily stored;
- amount of wetland soil compaction expected from related installation equipment; and
- identification of fill material that would be placed in the trench to promote drainage (e.g., gravel).

We understand that some clearing of vegetation may occur adjacent to streams during ski slope construction. We recommend avoiding aquatic resources that are considered “difficult to replace” under EPA’s and the U.S. Army Corps of Engineers’ Final Rule for Mitigation for Losses of Aquatic Resources [33 CFR Parts 325 and 332; 40 CFR Part 230 (73 FR 19594, April 10, 2008)]. The rule emphasizes the need to avoid and minimize impacts to these “difficult-to-replace” resources (i.e., fens and streams) and requires that any compensation be provided by in-kind preservation, rehabilitation, or enhancement to the extent practicable.

(2) Air quality impacts from increased air emissions associated with the proposed project should be fully evaluated.

The town of Breckenridge and several mandatory Class I Federal areas, including Eagle’s Nest Wilderness Area, are located near the proposed project area. In addition to health-based standards to protect ambient air quality, the Clean Air Act requires special protection of visibility in Class I Federal areas.

Baseline Data: We are pleased that the DEIS provides a qualitative discussion and some data regarding existing ambient air quality in the area. To more fully characterize baseline conditions, we recommend that the FEIS also include the following:

- Identification of sensitive receptors (such as population centers and Class I and Sensitive Class II areas in the vicinity);
- Identification of lakes and streams in the area sensitive to acid deposition effects; and
- Additional ambient air quality data including air quality trends at the nearby Class I areas over the past several years. Such data are readily available from the Colorado Department of Public Health and Environment (CDPHE) and/or the EPA AirExplorer web site (<http://www.epa.gov/airexplorer/>). Information regarding current conditions will be an important tool for monitoring the impacts of the various project activities implemented in the future.

Emissions Inventory: The DEIS notes that no long-term air quality impacts are expected as a result of the proposed project and short-term impacts such as fugitive dust would be addressed through BMPs for

dust control. We recommend the FEIS include an emissions inventory of predicted emissions that may result under the various alternatives so the decision-maker and the public can better understand the magnitude (large or small) of air quality impacts resulting from project construction activities and any increased traffic resulting from project build-out.

We note that the Traffic, Parking and Ski Area Access analysis addresses traffic volume, but the Air Quality analysis does not quantify associated emissions. We suggest expanding the analysis to include a discussion of likely vehicle miles traveled associated with increased visitor capacity, as well as the related mobile source emissions inventory. We recommend estimating mobile source emissions with EPA's MOVES2010a mobile sources emission model and re-entrained road dust emissions with use of EPA's Compilation of Air Pollutant Emission Factors (AP-42). If total emissions are substantial, then an air impact analysis presenting direct, indirect, and cumulative impacts on sensitive receptors would be a reasonable next step.

We support the PDCs and BMPs related to traffic, parking, and dust control. To reduce air quality impacts, we recommend consideration of additional measures including the following:

- Expand free shuttle services for skiers and workers;
- Prohibit unnecessary idling of construction vehicles;
- Use low-sulfur or alternative fuels in construction vehicles; and
- Require prompt re-vegetation of disturbed areas and monitoring for five years to ensure success.

Other Issues

Visitation rate assumptions must be adequately explained and justified given the associated implications for resource impacts.

The DEIS indicates that the proposed project would not result in an increase in annual visitation beyond a Forest-wide projection of a 2% growth rate annually, as determined by population growth and consistent with past average annual growth at BSR. Further, the DEIS notes that peak day visitation would not increase, but there could be an increase in the number of peak days per season.

If the proposed expansion could attract additional visitors beyond the Forest-wide projection described in the DEIS, then more skiers and related daily vehicle trips could potentially result in more resource impacts. We recommend that the FEIS expand discussion on the USFS rationale that the addition of terrain, lift and guest facilities would not result in increases in peak day visitation or in annual visitation (beyond the Forest-wide projection based on population growth).

Documentation of the U.S. Fish and Wildlife Service's recommendations will be a valuable addition to the FEIS.

The DEIS identifies the Canada lynx, an Endangered Species Act-listed threatened species, as likely to be adversely affected by the proposed project. The project area occurs within the Swan River Lynx Analysis Unit (LAU). As directed by the Southern Rockies Lynx Amendment (SRLA) of 2008, the USFS determined the proposed project would impact lynx habitat (86 acres under Alternative 2 and 168 acres under Alternative 3), including winter forage habitat and diurnal security habitat, and would impair winter habitat connectivity across the ski area. In addition, the DEIS identifies the need for a non-

significant Forest Plan amendment to remove applicability of one SRLA standard to this project.

The DEIS includes PDCs to reduce impacts to Canada lynx winter forage habitat and diurnal security habitat. We recognize that USFS will discuss these determinations and PDCs with the U.S. Fish and Wildlife Service (USFWS). Documentation of USFWS's consultation and recommendations for PDCs, mitigation, and monitoring will be a valuable addition to the FEIS, as will full disclosure of USFS rationale for the proposed Forest Plan amendment and coordination efforts with USFWS in determining its need.

EPA's Rating and Recommendation

Consistent with Section 309 of the CAA, it is EPA's responsibility to provide an independent review and evaluation of the potential environmental impacts of this project. Based on the procedures EPA uses to evaluate the adequacy of the information and the potential environmental impacts of the proposed action, EPA is rating this DEIS as Environmental Concerns – Insufficient Information (EC-2). The "EC" rating indicates that EPA review has identified environmental impacts that need to be avoided in order to fully protect the environment. The "2" rating indicates that EPA has identified additional information, data, analyses, or discussion that we recommend for inclusion in the FEIS. A full description of EPA's rating system is enclosed.

We appreciate the opportunity to review and comment on this DEIS and hope that our comments will assist you in further disclosing and reducing the environmental impacts of this project. If we may provide further explanation of our comments, please contact me at 303-312-6925, or your staff may contact Amy Platt at 303-312-6449.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Bohan', with a long horizontal line extending to the right.

Suzanne J. Bohan
Director, NEPA Compliance and Review Program
Ecosystems Protection and Remediation

Enclosure

U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements

Definitions and Follow-Up Action*

Environmental Impact of the Action

LO - - Lack of Objections: The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC - - Environmental Concerns: The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO - - Environmental Objections: The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU - - Environmentally Unsatisfactory: The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 - - Adequate: EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 - - Insufficient Information: The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 - - Inadequate: EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and/or Section 109 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment February 1987

